

ABSTRACTS

ESSAYS

In this issue we publish the second part of John Rawls: *The Basic Liberties and Their Priorities*, which was originally held as Tanner lecture at the University of Michigan in April 10, 1981. The text later became part of Rawls' *Political Liberalism*, as the 8th lecture of Part III, published in 1993 by the Columbia University Press. In the next issue of *Fundamentum* we will publish a commentary of Zsolt Krokovay, the Hungarian editor and translator of Rawls' works.

The essay of Patrick Macklem tracks the concept of militant democracy in the jurisprudence of the European Court of Human Rights, where it has migrated from a principle that authorizes a state to act in a militant manner to preserve democratic processes to one that entitles a state to establish perimeters and guard against threats of a different kind. Militant democracy now authorizes a state to assume a militant stance toward the exercise of religious freedom that threatens substantive conceptions of democracy instantiated in its constitutional order. The essay identifies four substantive conceptions of democracy — liberal democracy, secular democracy, republican democracy, and conservative democracy — to which militant democracy has migrated in recent years. It argues that militant democracy's migration signals an ominous shift in the way in which the European Court of Human Rights comprehends the relationship between religion and state power.

INTERVIEW

In this issue we publish an interview made by Michael Hamilton on transitional justice with Juan E. Mendez, Argentine law professor, former president of the International Center for Transitional Justice, current Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the United Nations.

FORUM

This time we ask experts on the possible future of the Hungarian Parliamentary, local, minority election systems, and the regulation of the referendum. Those who responded, are Péter Szigeti, György Szoboszlai, László Imre Kovács, Dániel Hegedűs, Kornélia Magyar, Róbert László and Gábor Győri.

DOCUMENTS AND COMMENTARIES

Benedek Varsányi comments the Lautsi decision of the European Court of Human Rights. In the Lautsi case the judges held that displaying crucifixes in Italian public school classes are contrary to parents' right to educate their children in line with their convictions and to children's right to freedom of religion. Varsányi argues that the Court's approach approximates the requirement of state neutrality to an imperative, *laïcité*-like doctrine.

AFTER DECISION

In this column we publish summaries of the recent judgments of European Court of Human Rights and the Hungarian Constitutional Court.